UNITED
NATIONS

E

Economic and Social Council

PROVISIONAL

For participants only

E/1991/SR.10
7 June 1991
ENGLISH
ORIGINAL: FRENCH

First regular session of 1991

PROVISIONAL SUMMARY RECORD OF THE 10th MEETING

Held at Headquarters, New York,
on Wednesday, 29 May 1991, at 10 a.m.

President: Mr. ELIASSON (Sweden)
(Vice-President)

CONTENTS

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (continued)

Emergency assistance to Somalia (continued)

Human rights questions

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Lditing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza.

91-55763 3694S (E)

/...

The meeting was called to order at 11 a.m.

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued) (E/1991/39 and E/1991/L.19)

Mr. KOLAROV (Bulgaria) said that his country had always actively participated in the efforts made by the international community to eliminate racial discrimination and had unreservedly subscribed to the objectives of the Second Decade to Combat Racism and Racial Discrimination. Much had been achieved in the course of that period. Unfortunately, racism and racial discrimination manifested themselves in different forms and no society was entirely safe from racial prejudices. In the view of Bulgaria, the problem might be resolved by strict adherence to both the obligatory and recommendatory principles and norms of international law in national legal systems and in the administrative practice of Member States.

Bulgaria, in the context of the process of democratization of all areas of public life and political life, was currently proceeding to a radical reform of its legal and administrative practice aimed, essentially, at bringing about a change of attitude with regard to human rights and fundamental freedoms and building an effective mechanism for their implementation and protection.

The experience of the past two decades had shown that the strict application of international norms did not necessarily lead to the elimination of racial prejudice. For that it was necessary to adopt far-reaching measures aimed at bringing about a fundamental change in man's understanding of human rights and the dignity of the individual. For that reason, in his delegation's view, a third decade should put a particular emphasis on the dissemination of information and especially on education and have as its object the elimination of racial prejudices.

(Mr. Kolarov, Bulgaria)

Bulgaria wished to express its support for the Committee on the Elimination of Racial Discrimination, which had made a substantial contribution to increasing the efficiency of the efforts of the international community against racism. It called on all the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to pay in full their dues to the Committee's budget as soon as possible in order to enable the Committee, whose work had been seriously disrupted by lack of funds, to function normally.

Bulgaria had repeatedly and unconditionally condemned the South African system of apartheid, which was an institutionalized form of State racism. The Bulgarian people had always expressed its solidarity with the struggle of the South African people for the complete eradication of that system and the establishment of a non-racial and democratic State. Developments under way in South Africa were grounds for a certain optimism. Their success depended on the participation of all forces committed to democratic change in the country. That process was encouraging and merited the support of the international community. There was, however, still a long way to go before the complete dismantlement of apartheid, the sine qua non conditions being the liberation of all political prisoners, the provision of guarantees for the return of tens of thousands of exiles and the abrogation of all apartheid laws. Of particular concern to his delegation was the continued resort to violence, which could delay and threaten the process of democratization. That wave of violence was the legacy of apartheid but could lead nowhere.

Mr. O'BRIEN (New Zealand) recalled that New Zealand was itself a multi-cultural society and that equality and non-discrimination with regard to the indigenous population constituted the very basis of the New Zealand nation. The question of racism in the international arena was therefore of central concern to New Zealand.

As the end of the Second Decade to Combat Racism and Racial Discrimination approached, a particularly pernicious form of racism continued to exist, namely, apartheid. New Zealand was following events in South Africa closely and welcomed the process of fundamental change that President de Klerk had initiated. The pillars of apartheid could not remain in place for very

(Mr. O'Brien, New Zealand)

much longer. Exiles had begun to return, political prisoners were being released, and amendment of the Internal Security Act had been foreshadowed.

However, as recent events attested, the path to the creation of a non-racial and democratic State in South Africa would not be easy. The continuing violence had serious implications for the reform process, and all parties must exercise restraint. South African authorities had a special responsibility to ensure that policing was adequate and impartial.

During that crucial period, it was important to encourage all those involved in the process of change in South Africa. Accordingly, New Zealand fully supported the Commonwealth programme management approach, which related any change in the application of sanctions, not to mere promises but to the actual implementation of measures to eliminate apartheid.

As the United Nations considered ways of enhancing its collective endeavour to combat racism, each Member State must seek first to ensure that its own house was in order. New Zealand, for its part, was committed to making good the injustices and omissions of the past. The Treaty of Waitangi, concluded 150 years earlier, which constituted the founding document of New Zealand, contained commitments with regard to the Maori that had not been fully honoured. The New Zealand had recently adopted the broad outline of a blueprint for Maori development which provided for the establishment of a ministry to provide policy advice and to facilitate improved access by Maori to government services in the areas of health, education, training and development of economic resources.

At the international level, the myriad different activities undertaken by the many United Nations bodies, as described in the Secretary-General's report (E/1991/39), demanded careful coordination and the allocation of sufficient resources. The role of the Economic and Social Council was to review those activities so that the General Assembly could make focused recommendations. There must be continued support for the efforts of the Committee on the Elimination of Racial Discrimination to obtain the universal adherence of States to the International Convention on the Elimination of Racial Discrimination.

Mr. KHALIL (Observer for Egypt) said that, although discrimination was condemned in different societies and cultures, its persistence in different forms showed clearly that much remained to be done. Although some steps had been taken in South Africa to improve the present situation, the fact remained that the codification of racism as embodied in the apartheid regime was a system which could not be reformed but which should be totally eliminated and replaced by a democratic regime based on equality of rights and responsibilities. He hoped that the de Klerk Government would keep its promises and abrogate, by the end of June 1991, a number of discriminatory laws.

It was not irrelevant to point out that that development was the result of persistent pressures exerted by the international community on the South African regime. Beyond any doubt, the maintenance of those pressures was an effective way to overcome the odious apartheid regime and to help those in South Africa who sought to do so.

His delegation was deeply concerned about sedition and internal violence in South Africa. It urged the South African Government to act efficiently to put an end to that internal strife.

Racism and racial discrimination were not limited to that country alone. Xenophobia, "integrism" and discrimination based on ethnic character, nationality or religion, were still very much alive in many modern societies. In many societies, migrant and foreign workers were the subject of unacceptable discrimination.

The pressure exerted on Palestinians, in their own territory, by the Israeli occupation forces and by Israeli settlers and the repression and deportation of Palestinians from their own homeland constituted flagrant violations of the norms and instruments of international law. His delegation was deeply concerned by the pursuit of the policy of deportation, the creation of settlements in the occupied territories and the inhuman treatment reserved for Palestinians and other Arabs.

The international community and the United Nations had a major role to play in combating those destructive phenomena. The resources required to attain the objectives of the Second Decade must accordingly be provided, and

(Mr. Khalil, Observer, Egypt)

the resources of the Centre against Apartheid and the Centre for Human Rights enhanced. The international community must implement the resolutions of all United Nations organs on racism and racial discrimination, without exception, until racism and discrimination in all their forms had been abolished. Lastly, his delegation endorsed the Secretariat proposals regarding the preparation of a third decade to combat racism and racial discrimination to start in 1993, and would welcome the drawing up of specific plans for avoiding the obstacles encountered in implementing the programmes for the two previous decades.

Mr. SAO (Cameroon) said that the Secretary-General's excellent report clearly indicated the full scope of the efforts the international community still needed to make to stamp out the scourge of racism and racial discrimination. Current events made that daily apparent. The violence engendered, in times of recession, by the disturbing upsurge of intolerance and xenophobia necessitated a constant demonstration of political will to attack the underlying causes of those phenomena more resolutely. Legislative measures were essential, but not of themselves sufficient, to eliminate racism. Accordingly, due importance should be attached at the domestic level to prevention, without losing sight of the fact that the suppression of racially discriminatory practices should also contribute to the security of vulnerable groups such as immigrants, migrant workers and minorities.

In South Africa, the vast majority of the population was still subjected to the torments of apartheid, even though hopeful developments had for some time been taking place in that country. The steps already taken by the de Klerk Government had eased the situation, but still suffered from serious ambiguities which led one to wonder about the real aims of the white minority regime in power. Contrary to official statements, not all the political prisoners had been released. The amnesty offered to political exiles remained hedged about with vague conditions which exposed them to an uncertain fate on their return. The authorities did not seem to be able to put an end to the inter-ethnic violence, whose victims were numbered in thousands; that was a deplorable anomaly, and the developments under way in South Africa were neither transparent nor irreversible. The international community thus had a

(Mr. Sao, Cameroon)

duty to keep up the pressure on the Pretoria regime until apartheid was completely dismantled. Accordingly, his delegation fully supported draft resolution E/1991/L.19, submitted by Burundi.

His delegation also supported the Secretary-General's recommendation regarding the launching of a third decade to combat racism and racial discrimination; the necessary resources should be provided to make it a success.

Mr. MONTAÑO (Mexico) said that in a world marked by accelerating democratization, it was dismaying to note the persistence of institutionalized racist practices, which the international community should oppose through the constant and interdisciplinary activity of all United Nations organs dealing with human rights questions. United Nations action must be supplemented by concrete measures at the national level, for it was clear that, while a great majority of States had acceded to the international instruments against racial discrimination, that practice was sometimes, as in the case of apartheid, backed by legislation, and was a common practice among extremist groups in society. The resurgence and worsening of racially motivated acts of violence in various parts of the world, directed against members of minority groups such as refugees, indigenous populations and migrant workers in their families, was an alarming phenomenon.

In that connection, he emphasized the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which covered all the situations in which such workers and their families might find themselves, and contained a number of innovative recommendations capable, once in effect, of making an important contribution to the development of international humanitarian law. The Mexican Government had recently signed that important international instrument on human rights.

At its 1990 session, the General Assembly had decided to proclaim 1993 as the International Year for the World's Indigenous People, the celebration of which would be an occasion for the world community to focus on the situation of those groups, whose demands deserved to be analysed in the light of their cultural diversity and specific forms of social organization.

(Mr. Montaño, Mexico)

One of the most degrading expressions of racism and racial discrimination was without a doubt the South African minority regime's policy of apartheid. That regime must be induced to respect all the provisions of the Declaration on Apartheid and its Destructive Consequences in Southern Africa and of the many resolutions pertaining to that topic adopted by the General Assembly and the Security Council. The unilateral rescinding of sanctions, albeit partial, was premature and contrary to the decisions of the General Assembly. It must indeed be recognized that a process of positive change had begun in South Africa and that the Government's commitment to put an end to the policy of apartheid was encouraging. Nevertheless, the Declaration on Apartheid and its Destructive Consequences in southern Africa pointed out the principal preliminary stages leading to serious negotiations, such as the release of all political prisoners and the lifting of the ban on return to their country by exiles. The South African regime should also put an end to the violence directed against political activities and, as the Human Rights Commission had recently reiterated, stop torturing and incarcerating children.

As long as the legal and political foundations for apartheid had not been eradicated, the above positive elements could be called in question; the violence that had again been unleashed revealed the fragility of the political situation and the resistance within the system.

As indicated in the Declaration, the elimination of apartheid in South Africa was a requisite for the achievement of permanent peace and stability in southern Africa. The international community should therefore spare no effort to accomplish the total abolition of apartheid and all its manifestations.

A recorded vote was taken on draft resolution E/1991/L.19.

In favour: Algeria, Argentina, Bahamas, Bahrain, Botswana, Brazil, Burkina Faso, Cameroon, Canada, Chile, China, Ecuador, Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Malaysia, Mexico, Morocco, Niger, New Zealand, Peru, Rwanda, Somalia, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Zaire, Zambia.

Against: None

Abstaining: Austria, Bulgaria, Czechoslovakia, Finland, France, Germany, Italy, Japan, Netherlands, Romania, Spain, United Kingdom of Great Britain and Northern Ireland.

Draft resolution E/1991/L.19 was adopted by 38 votes to none, with 12 abstentions.

Mr. MARKS (United States of America) recalled that his delegation had not participated in the vote on the draft resolution, in line with its decision in 1975 not to participate in any debate or any decision relating to racism and racial discrimination, following the adoption by the General Assembly of resolution 3379 (XXX) which in practice equated zionism with racism. The adoption of that resolution had tainted the first Decade and was tainting the second.

Mr. TROTTIER (Canada) said that his delegation had voted in favour of the draft resolution because Canada continued to support the objectives and activities of the Decade. However, his delegation regretted that it had not been possible to renew the traditional consensus. Where the eleventh preambular paragraph was concerned, the Commonwealth Committee of Ministers for Foreign Affairs, under Canada's chairmanship, had decided that all existing measures against South Africa should be maintained until the South African Government honoured its commitments with respect to political prisoners, exiles and the security legislation, and abolished the legal foundations of apartheid.

Ms. COOMBS (New Zealand) said that her delegation had voted in favour of the resolution, while regretting that it had not been possible to reach a consensus on the text of the draft. She expressed reservations concerning the eleventh preambular paragraph because the language did not appear to be entirely consistent with the Declaration on Apartheid nor with the position agreed by the Commonwealth Committee of Foreign Ministers on southern Africa in February, which the New Zealand Government endorsed.

Mr. KRENKEL (Austria) said that his delegation would have preferred to see the draft adopted without a vote. His delegation had had to abstain owing to the wording of the eleventh preambular paragraph.

Mr. GROLIG (Germany) indicated that his delegation had abstained because it had reservations concerning the eleventh and twelfth preambular paragraphs and paragraphs 3 and 4. His delegation regretted that the discussions on a consensus text, in which it had actively participated, had not proved successful.

Mr. MOSTURA (France) said that he had abstained in the vote due to the wording of the eleventh preambular paragraph. He would have liked the draft resolution to be adopted by consensus.

Mr. RAVEN (United Kingdom) agreed with the observations of the representatives of France and Germany.

Mr. DUHS (Sweden) said that his delegation had voted in favour of the draft resolution despite certain reservations concerning the eleventh preambular paragraph. His delegation supported the objectives of the draft resolution as a whole and regretted that it had not been possible to reach a consensus on it.

Ms. TERANISHI (Japan) said that her delegation had had to abstain in the vote on the draft resolution owing to the wording of the twelfth preambular paragraph and of paragraph 3, which was not entirely consistent with Japan's assessment of the situation in South Africa. With regard to paragraph 7, concerning the question of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, her delegation did not deem it useful to reiterate positions that had been stated many times in the past.

Mr. SLABY (Czechoslovakia) deplored the lack of consensus, stating that his delegation had abstained owing to the wording of the eleventh preambular paragraph, although his country strongly supported the aims set forth in the Declaration on Apartheid and its Destructive Consequences in Southern Africa.

Mr. KOLAROV (Bulgaria), Mr. CASAJUANA (Spain) and Mr. CALAPETEANU (Romania) abstained in the vote due to reservations about the wording of the eleventh preambular paragraph.

Mr. TRAXLER (Italy) said that the Italian delegation had regretfully abstained in the vote on the draft resolution due to the fact that it would have liked it to be the object of a consensus.

Mrs. VARGAS (Nicaragua) said that if she had been present during the vote, her delegation would have voted in favour of the draft resolution.

Mr. METSO (Finland) said that the Finnish delegation had abstained owing to reservations concerning the wording of the eleventh preambular paragraph and of paragraph 3.

Mr. BURCUOGLU (Turkey) said that he had voted in favour of the draft resolution despite some reservations concerning the eleventh preambular paragraph.

Mr. VAN DER HEIJDEN (Netherlands) said that the lack of consensus was regrettable and that his delegation had abstained owing to the wording of the eleventh and twelfth preambular paragraphs and of paragraphs 3 and 4.

AGENDA ITEM 12: EMERGENCY ASSISTANCE TO SOMALIA (continued)
(E/1991/L.21/Rev.1)

Mr. LUKABU KHABOUJI N'ZAJI (Zaire), introducing, on behalf of the sponsors, revised draft resolution E/1991/L.21/Rev.1, pointed out that paragraph 7 of the initial text had become paragraph 1 of the new text, that paragraph 4 of the revised draft was new and that in paragraph 9 the expression "regardless of tribal or political differences" had been deleted. He announced that Costa Rica, Germany, Indonesia, Romania, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay had joined the sponsors of the draft resolution, which he hoped would be adopted by consensus.

Draft resolution E/1991/L.21/Rev.1 was adopted without a vote.

Mr. OSMAN (Somalia) said that his delegation was deeply grateful to the members of the Council for having made possible the unanimous adoption of draft resolution E/1991/L.21/Rev.1, which constituted an important measure for the supply of emergency humanitarian assistance to the sorely afflicted population of Somalia.

The Special Coordinator for Emergency Relief Operations in Somalia had rightly stressed in the Council the fact that the situation in Somalia had worsened since the beginning of 1990. As a result of the increasingly precarious security conditions, hundreds of thousands of persons were homeless and in a state of absolute deprivation, which had resulted in a new flood of refugees to neighbouring countries and brought the country's displaced

(Mr. Osman, Somalia)

population figure to more than 2 million, not counting the numerous refugees from neighbouring countries who were also in need of relief.

The United Nations agencies had done much to come to the aid of the Somali people, but security problems had led to the evacuation of their representatives. The Somali delegation hoped that, following the recommendations of the mission sent by the United Nations to Somalia, it would be possible to bring back the representatives of the United Nations agencies, in particular persons specializing in emergency humanitarian assistance.

The Coordinator also noted that Somalia was facing a humanitarian crisis of tragic proportions. According to a recent estimate of food requirements, from 40 to 50 per cent of the Somali population was in need of emergency food aid. The Secretary-General, in an appeal which he had recently made in favour of emergency humanitarian assistance to a number of African countries, had mentioned the gravity of the situation in Somalia. His delegation hoped that the United Nations would send an inter-agency mission to assess reconstruction needs.

It was a matter of utmost importance to respond to food and fuel needs, as well the need for drugs and building materials, if the current already precarious balance between life and death was not to turn into a major catastrophe for nearly half the population.

Somalia expressed its gratitude to all those who had provided assistance to it, in particular Italy, the Gulf countries and certain non-governmental organizations, as well as to the representatives of Italy and the United States of America, who had announced that they would provide additional assistance to Somalia. The representative of the United States had promised aid from his country as soon as the situation in Somalia became normal. Emergency aid from the international community would not only make it possible to cope with the needs of the population but was also one of the conditions for the restoration of political stability in the region. The interim Government of Somalia, for its part, was determined to ensure the success of the process of national reconciliation and had already taken measures in that direction.

AGENDA ITEM 8: HUMAN RIGHTS QUESTIONS (E/1991/L.22)

The PRESIDENT called the Council's attention to draft resolution E/1991/L.22 entitled "The United States economic embargo against Cuba: its adverse effects on the full enjoyment of human rights by the Cuban people", which the observer for Cuba had submitted under rule 72 of the rules of procedure of the Council. In that connection, the President recalled that the Council, at its fourth plenary meeting, had decided, within the framework of the organization of its work, to refer item 8, entitled "Human rights questions", to the Second (Social) Committee, in accordance with rule 14 of the rules of procedure. It had also decided to set 1 p.m. on Wednesday, 22 May, as the deadline for the submission of draft resolutions under that item to the Second (Social) Committee. The Second (Social) Committee had completed its work, and its report on item 8 would be submitted to the Council for consideration at the meeting to be held on the morning of Friday, 31 May.

He informed the Council that informal consultations were in progress regarding the procedure to be adopted for draft resolution E/1991/L.22 and suggested postponing consideration of the matter until the next meeting.

It was so decided.

The meeting rose at 12.10 p.m.